

PATENT  
ATTORNEY DOCKET NO.: 056291-5039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

PEARS et al.

U.S. Application No.: 09/889,414

Filed: November 13, 2001

FOR: DRUG COMBINATIONS COMPRISING  
(E)-7-[4-(4-FLUOROPHENYL)-6-  
ISOPROPYL-2-  
[METHYL(METHYLSULFONYL)  
AMINO]PYRIMIDIN-5-YL](3R,5S)-  
3,DIHYDROXYHEPT-6-ENOIC ACID AND  
AN INHIBITOR, INDUCER OR  
SUBSTRATE OF P450 ISOENZYME 3A4

Group Art Unit: 1654

Examiner: Meller, Michael V.

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Date: March 10, 2004

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated September 10, 2003.

2. Additional papers enclosed:

- ☒ Information Disclosure Statement  
☒ Form PTO-1449, copies of 3 literature references



3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$950.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).



5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	22	minus	33	0	x \$18/\$9 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	8	0	x \$86/\$43 each=	\$ 0.00
First presentation of Multiple dependent claim(s): previously paid					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>2</u> Month Extension of Time						\$ 950.00
Fee for Information Disclosure Statement						\$ 180.00
TOTAL FEE =						\$ 1,130.00

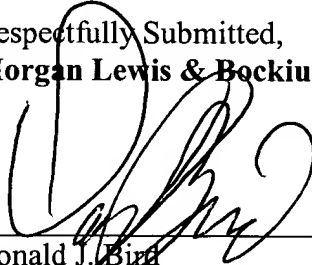
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$1,130.00 to Deposit Account No. 50-0310 for Three Month Extension of Time Fee (\$950.00) and Information Disclosure Statement Fee (\$180.00).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: March 10, 2004  
Morgan Lewis & Bockius LLP  
Customer No. 09629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:mk

By:

  
Donald J. Bird  
Registration No. 25,323  
Tel. No.: (202) 739-5320  
Fax No.: (202) 739-3001